

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2016-002182-001 DT

03/20/2018

HONORABLE JAY RYAN ADLEMAN

CLERK OF THE COURT
I. Huerta
Deputy

STATE OF ARIZONA

TREENA JEANELLE KAY
MAUREEN ELIZABETH FEENEY

v.

MATTHEW AARON MEINER (001)

RICK G TOSTO

TRIAL MINUTE ENTRY
DAY 10

Courtroom SCT 8A

10:15 a.m. The jury is all present in the jury room. Deliberations resume from 03/19/2018.

3:39 p.m. Trial to a jury continues from 03/19/2018. The State is represented by Deputies County Attorney, Treena Kay and Maureen Feeney. The defendant is present and represented by Defense Counsel, Rick Tosto.

Court Reporter, Wanda Bauer, is present.

A record of the proceedings is also made digitally.

The jury is all present in the jury box and, by their Foreperson, return into Court their verdicts, which are read and recorded by the Clerk and are as follows:

We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, as to **Count 1, First Degree Murder, NOT GUILTY**.

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We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, Matthew Aaron Meiner, on the lesser-included offense of **Second Degree Murder, GUILTY**.

We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, as to **Count 2, Burglary in the First Degree (to wit: residence of Matthew McLean): GUILTY**.

We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, as to **Count 3, Theft of Means of Transportation (to wit: Matthew McLean's 2008 Audi vehicle): GUILTY**.

We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, as to **Count 4, Theft (to wit: Matthew McLean's bong, necklace, guitar, and/or camera): GUILTY**.

We, the jury, duly impaneled and sworn in the above-entitled cause, further unanimously find that the property had a value of: **\$2,000.00 or More**.

We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, as to **Count 5, Burglary in the Third Degree (to wit: non-residential structure of Konnor Callahan): GUILTY**.

We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, do find the defendant, as to **Count 6, Theft (to wit: Konnor Callahan's marijuana concentrate, wax, and/or "shatter"): GUILTY**.

We, the jury, duly impaneled and sworn in the above-entitled cause, further unanimously find that the property had a value of: **\$2,000.00 or More, But Less than \$3,000.00**

The jurors reply that these are their true verdicts.

The jury is polled at the request of counsel for the defendant. Each juror replies that these are his/her true verdicts.

FILED: Verdicts

3:50 p.m. The jury is reminded of previous admonitions and Court stands at recess.

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State's exhibits 655 through 661 are marked for identification.

LET THE RECORD REFLECT, during the break, the Aggravating Circumstances Instructions and verdict forms are discussed, settled and prepared.

4:06 p.m. Court reconvenes with all respective counsel and defendant present.

Court Reporter, Wanda Bauer, is present.

A record of the proceedings is also made digitally.

The jury is present.

The State is alleging the following aggravating circumstances: 1) this is a dangerous offense, 2) the defendant committed the offense in an especially cruel manner, 3) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value, and 4) the offense caused physical, emotional or financial harm to the victim's immediate family.

The jury is instructed by the Court as to the law applicable to this cause.

FILED: Aggravating Circumstances Instructions

Counsel for both parties waive opening statements.

State's case:

Remi Fitzgerald, having been previously sworn, resumes the stand and testifies further.

The witness is excused.

State rests.

Defendant rests.

Counsel present argument.

4:39 p.m. The jury retires in charge of the sworn bailiff to consider their verdicts. Court remains in session.

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Court and counsel discuss matters.

4:41 p.m. Court stands at recess.

4:56 p.m. Court reconvenes with all respective counsel and defendant present.

Court Reporter, Wanda Bauer, is present.

A record of the proceedings is also made digitally.

The jury is all present in the jury box and, by their Foreperson, return into Court their verdicts, which are read and recorded by the Clerk and are as follows:

We, the Jury, duly empaneled and sworn in the above-entitled action, upon our oaths, unanimously find, beyond a reasonable doubt, the following additional circumstance as checked below:

As to **Count 1, Second Degree Murder: 1) this is a dangerous offense, 2) the defendant committed the offense in an especially cruel manner and 4) the offense caused physical, emotional or financial harm to the victim's immediate family: UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.** (Circumstance #3 – the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value was NOT PROVEN).

As to **Count 2, Burglary in the First Degree: 1) this is a dangerous offense, 2) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value, and 3) the offense caused physical, emotional or financial harm to the victim's immediate family: UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.**

As to **Count 3, Theft of Means of Transportation: 1) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value: UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.** (Circumstance #2 - the offense caused physical, emotional or financial harm to the victim's immediate family was NOT PROVEN).

As to **Count 4, Theft: 1) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value and 2) the offense caused physical, emotional or financial harm to the victim's immediate family: UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.**

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As to **Count 5, Burglary in the Third Degree: 1) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value: UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.** (Circumstance #2 – the offense caused physical, emotional or financial harm to the victim’s immediate family was NOT PROVEN).

As to **Count 6, Theft: 1) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value: UNANIMOUSLY PROVEN BEYOND A REASONABLE DOUBT.** (Circumstance #2 – the offense caused physical, emotional or financial harm to the victim’s immediate family was NOT PROVEN).

The jurors reply that these are their true verdicts.

FILED: Verdicts

5:04 p.m. The jury is thanked by the Court and excused from further consideration of this cause. Court remains in session.

IT IS ORDERED setting time for **Sentencing on 05/11/2018 at 1:30 p.m. (3 hours allotted)** before this division.

IT IS FURTHER ORDERED that the Adult Probation Office shall conduct a presentence investigation and submit a report to this division prior to Sentencing.

ISSUED: Request for Presentence Report

Defense counsel has requested to be present for any interview(s) of the Defendant. Please contact counsel prior to scheduling and conducting any interview(s).

IT IS FURTHER ORDERED, pursuant to Rule 7.2(c), the defendant shall be held non-bondable and shall not be released on bail or own recognizance.

ISSUED: Order of Confinement

FILED: Exhibit Worksheet; Trial Worksheet; Jury List

5:04 p.m. Trial concludes.